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 UNITED STATES OF AMERICA

FILED IN THE  
 UNITED STATES DISTRICT COURT  
 DISTRICT OF HAWAII

SEP 17 2003  
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 WALTER A.Y.H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 03-00200 HG
	)	
Plaintiff,	)	SECOND SUPERSEDING
	)	INDICTMENT
vs.	)	
JACK FRISBEE,	(01))	[21 U.S.C. §§ 846, 841(a)(1), and 853;
a/k/a "J-Man,"	)	18 U.S.C. §§ 922(g)
a/k/a "J-Dog,"	)	(1 and 3)]
ROY FRISBEE,	(02))	
DOUG FARIAZ,	(03))	
a/k/a "Hollywood,"	)	
WILLIAM VILLA,	(04))	
ANTHONY VALENTIN,	(05))	
FERDINAND PASION,	(06))	
a/k/a "Fred Pasion,"	)	
SAMUEL PASION,	(07))	
a/k/a "Sam Pasion,"	)	
MANUEL CABRAL,	(08))	
a/k/a "Porky"	)	
Defendants.	)	
	)	

SECOND SUPERSEDING INDICTMENT

COUNT 1

The Grand Jury charges that:

A. General Allegations

From a time unknown but by January, 2002 and continuing to at least April 11, 2003, in the District of Hawaii,

JACK FRISBEE, a/k/a "J-Man," a/k/a "J-Dog"

ROY FRISBEE

DOUG FARIAS, a/k/a "Hollywood"

WILLIAM VILLA

ANTHONY VALENTIN

FERDINAND PASION, a/k/a "Fred Pasion"

SAMUEL PASION, a/k/a "Sam Pasion" and

MANUEL CABRAL, a/k/a "Porky"

defendants herein, willfully conspired together with each other, with Donald Morton, a/k/a "Nakoa," a/k/a "Fat Albert" (a co-conspirator but not a defendant herein), and with other persons known and unknown to the Grand Jury, to distribute and to possess with intent to distribute in excess of 50 grams of methamphetamine, its salts, isomers, and salts of its isomers (a Schedule II controlled substance), in violation of Title 21, United States Code, Sections 841(a)(1).

B. Manner and Means of the Conspiracy

It was the objective of this conspiracy that pound quantities of methamphetamine would be obtained on the U.S. mainland on an ongoing basis, and transported to the State of Hawaii, to be distributed in Hawaii. In furtherance and during the existence of this conspiracy, the persons named in this Indictment participated in the conspiracy, in Hawaii and elsewhere, as follows:

1. JACK FRISBEE obtained pound quantities of methamphetamine from a drug "source" or "sources" on the U.S. mainland, and, caused such quantities of methamphetamine to be sent to Hawaii to be distributed in Hawaii.

2. ROY FRISBEE received pound quantities of methamphetamine (in Hawaii) sent from the U.S. mainland, and, delivered such quantities of methamphetamine to other persons in Hawaii, including WILLIAM VILLA, DOUG FARIAS, and ANTHONY VALENTIN. ROY FRISBEE also received monetary proceeds of drug trafficking activity.

3. DOUG FARIAS received pound quantities of methamphetamine in Hawaii, and either personally delivered, or caused others (including WILLIAM VILLA and MANUEL "Porky" CABRAL), to deliver such methamphetamine to Hawaii drug "dealers" (including FERDINAND PASION and Donald Morton). FARIAS also delivered monetary drug proceeds to ROY FRISBEE.

4. WILLIAM VILLA acted as an intermediary.

VILLA received pound quantities of methamphetamine in Hawaii, and, delivered such methamphetamine to other persons, including DOUG FARIAS. VILLA also delivered monetary drug proceeds to ROY FRISBEE.

5. ANTHONY VALENTIN received pound quantities of methamphetamine, delivered methamphetamine to other persons, and, sold methamphetamine. VALENTIN also received monetary proceeds of drug trafficking activity and delivered such proceeds to another person.

6. FERDINAND PASION acted as a drug "dealer." FERDINAND PASION received pound quantities of methamphetamine in Hawaii, and in turn, distributed ounce and multi-ounce quantities of methamphetamine to smaller Hawaii drug dealers.

7. SAMUEL PASION received and distributed methamphetamine. SAMUEL PASION also assisted FERDINAND PASION to obtain pound quantities of methamphetamine.

8. MANUEL "Porky" CABRAL received and stored methamphetamine for DOUG FARIAS. MANUEL CABRAL also delivered methamphetamine.

9. Donald Morton acted as a drug "dealer." Morton received pound quantities of methamphetamine in Hawaii,

and in turn, distributed ounce and multi-ounce quantities of methamphetamine to smaller Hawaii drug dealers.

All in violation of Title 21, United States Code, Sections 846 and 841(b) (1) (A).

COUNT 2

The Grand Jury further charges that:

On or about April 11, 2003, in the District of Hawaii, defendant

ROY FRISBEE

knowingly and intentionally possessed with intent to distribute in excess of 50 grams, to wit 1039.8 grams (approximately 2 and ½ pounds) of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a) (1) and (b) (1) (A).

COUNT 3

The Grand Jury further charges:

On or about February 22, 2003, in the District of Hawaii,

DOUG FARIAS, a/k/a "Hollywood" knowingly and intentionally possessed with intent to distribute in excess of 50 grams, to wit 445.4 grams (approximately 1 pound)

of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

COUNT 4

The Grand Jury further charges that:

On or about April 11, 2003, in the District of Hawaii, defendant

ANTHONY VALENTIN

knowingly and intentionally possessed with intent to distribute in excess of 50 grams, to wit approximately 1 pound, of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

COUNT 5

The Grand Jury further charges that:

On or about April 1, 2003, in the District of Hawaii, defendant

FERDINAND PASION, a/k/a "Fred Pasion"

knowingly and intentionally possessed with intent to distribute in excess of 50 grams, to wit 663.2 grams (approximately 1 and

1/2 pounds) of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (B)(1)(A).

COUNT 6

The Grand Jury further charges that:

On or about April 1, 2003, in the District of Hawaii, defendant

FERDINAND PASION, a/k/a "Fred Pasion," having been convicted in First Circuit Court of the State of Hawaii for a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce a firearm, namely: a Harrington and Richardson 20-gauge shotgun, serial no. AX637642.

All in violation of Title 18, United States Code, Section 922(g)(1) and 924(a)(2).

COUNT 7

The Grand Jury further charges that:

On or about April 1, 2003, in the District of Hawaii, defendant

SAMUEL PASION, a/k/a "Sam Pasion,"

being an unlawful user of a controlled substance (to wit: methamphetamine, a Schedule II controlled substance), did knowingly possess in and affecting commerce a firearm, namely: an Armi Fratelli Tanfoglio Spa (Model BTA 90) 9mm pistol, serial number G28777.

All in violation of Title 18, United States Code, Section 922(g)(3) and 924(a)(2).

COUNT 8

The Grand Jury further charges that:

On or about April 11, 2003, in the District of Hawaii, defendant

MANUEL CABRAL, a/k/a "Porky,"

being an unlawful user of a controlled substance (to wit: methamphetamine, a Schedule II controlled substance), did knowingly possess in and affecting commerce a firearm, namely: a Colt Hammerless Pocket .32 caliber semi-automatic pistol, serial no. 272031.

All in violation of Title 18, United States Code, Section 922(g)(3) and 924(a)(2).

COUNT 9

The Grand Jury further charges that:

A. As a result of committing the drug trafficking conspiracy offense alleged in Count 1 of this Indictment, defendants

JACK FRISBEE, a/k/a "J-Man," a/k/a "J-Dog"

ROY FRISBEE

DOUG FARIAS, a/k/a "Hollywood"

FERDINAND PASION, a/k/a "Fred Pasion" and

SAMUEL PASION, a/k/a "Sam Pasion"

shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting, or derived from, any proceeds which such defendants obtained, directly or indirectly, as the result of such offense, and, any and all property used, or intended to be used in any manner or part, to commit or to facilitate the commission of such offense, including but not limited to the following proceeds/property:

Defendant JACK FRISBEE:

1) \$124,682.18 in United States currency, which constitutes the net proceeds from the sale of the real property located at 14851 Charter Oak Boulevard, Salinas, California 93907, titled in the names of Jack R. Frisbee, Jr., and Kathleen E. Frisbee, and designated as assessor parcel number 133-392-020-000, together with all appurtenances and improvements, which real

property was derived from proceeds that defendant JACK FRISBEE obtained, directly or indirectly, as a result of the offense charged in Count 1 herein;

2) a grey 2002 Ford Super-Cab pickup truck bearing Vehicle Identification Number 11FTRX07WX2KA02732, and California license plate number 7A28508; and

3) a silver 2001 Chevrolet Suburban Sports Utility vehicle bearing Vehicle Identification Number 3GNFK16T16T61G132728, and California license plate number 4NYY969.

Defendant ROY FRISBEE:

4) \$168,995.00 in U.S. currency seized from the residence of ROY FRISBEE located at 1129A Neal Avenue, Wahiawa, Hawaii, on or about April 11, 2003;

5) a white 2003 Toyota Tacoma pickup truck bearing Vehicle Identification Number 5TEWN72N83Z168311, and Hawaii licence plate number JXY-320;

6) a green 1990 Ford Mustang bearing Vehicle Identification Number 1FACP42E5LF137127, and Hawaii license plate number ENW-043;

7) a white 1997 BMW Series 5 sedan bearing Vehicle Identification Number WBADD5326VBV50568, and Hawaii license plate number JVG-749;

8) a white, fiberglass- and plastic-hulled, Boston Whaler 130 sport boat bearing hull identification number BWCE0371G203, and Hawaii registration number HA 6834 G;

9) a blue, black and white 2003 Yamaha V-Force dirt bike, Model YZ250R, bearing Vehicle Identification Number JYACG13C63A003984 and no license plate;

10) a black and silver 2001 Suzuki GSX 1300R Hayabusa motorcycle bearing Vehicle Identification Number JS1GW71AX12104931, and Hawaii license plate number 798-XGC; and

11) a blue and white Yamaha Model TTR90 bearing Vehicle Identification Number JYACB03YX3A020114.

Defendant DOUG FARIAS:

12) \$50,000.00 in U.S. currency seized from a rental vehicle in the presence of DOUG FARIAS on or about February 22, 2003;

13) a black 1986 Ford Mustang bearing Vehicle Identification Number 1FABP28M2GF176293 and Hawaii license plate number GYR-851;

14) a Sony Trinitron 36" flat screen television, serial number 9000174;

15) \$16,200.00 in U.S. currency seized from the residence of DOUG FARIAS located at 46-441B Kahuhipa Street, Kaneohe, Hawaii, on or about April 11, 2003, and

16) 72 pieces of miscellaneous jewelry seized from the residence of DOUG FARIAS located at 46-441B Kahuhipa Street, Kaneohe, Hawaii, on or about April 11, 2003.

Defendants FERDINAND and SAMUEL PASION:

17) \$97,317.00 in U.S. currency seized at 87-1794 Mohihi Street, Waianae, Hawaii, on or about April 1, 2003; and

18) a maroon 1994 Chevrolet C1500 pickup truck bearing Vehicle Identification Number 2GCEK19K6R1132613 and Hawaii license plate number FDY-964.

B. If any of the above-described forfeitable property, as a result of any act or omission of the Defendants -

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to or deposited with, a third person;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) to seek forfeiture of any other property of the Defendants up to the value of the above forfeitable property.

All in violation of Title 21, United States Code,  
Sections 853, 841(a)(1) and 846.

DATED: September 17, 2003, at Honolulu, Hawaii.

A TRUE BILL

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FOREPERSON, Grand Jury

Edward H. Kubo  
EDWARD H. KUBO, JR.

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District of Hawaii

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United States v. Jack Frisbee, et al.;  
Cr. No. 03-00200 HG;  
"Second Superseding Indictment"